

Kentucky Family Matters



Quarterly News & Information About Kentucky's Family Courts

September

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Does it Take a Village to Raise a Child?

By: Hon. Elizabeth Vaughn

Kentucky Family Courts hear only cases that affect families: a hybrid of Circuit and District Courts, with jurisdiction over dissolution of marriage, custody, visitation and parenting time, child support, domestic violence, termination of parental rights, adoption, dependency, neglect and abuse, status offender-juveniles, paternity, and other related matters.

First, it is a Court of *LAW* designed to address legal issues with legal decisions and address underlying issues that affect families and children, and where appropriate, provide services outside the Courtroom. Have no fear that it will become a "Feel Good" court. Treating people fairly and equitably and providing legal solutions or suitable alternatives is our goal. Adversaries may remain adversaries, but an occasional solution that makes litigants' lives better, rather than worse, would be refreshing.

PROBLEMS ARE DIFFERENT: When I began practice of law 31 years ago, I had never heard of methamphetamine. At that time, marijuana was the most visible illegal drug. A few were arrested for possessing or growing it. Possibly marijuana was the gateway drug to our current drug problem. Cocaine and opium were once used legally. There are accounts that "meth/Nazi crank" was used by the soldiers during World War II, so they could stay up and fight for days, with limited rations. We all know how that ended.

We now face this terrible drug in Family Court as regularly as it appears on the criminal docket. Meth brings hard working, good spouses and good parents into court for criminal offenses, and because they have addiction problems and cannot take care of themselves or their families. The last two Mondays, I have seen two pro se litigants, now in homeless shelters; their lives have been shattered by drug use. They are not the only people who have been in Family Court recently because of meth use or a meth-related crime. My point? The problems of the 70's were simple by comparison. We must now address new problems as lawyers, judges and citizens.

Almost everyone has a theory about the breakdown of American families—drugs, television, advertising, broken homes, people not marrying, no discipline in schools or by parents; people divorcing too easily, riches, poverty; the list goes on and on. Family Court cannot fix "it", nor do I expect anyone else to fix "it". However, Family Court can offer innovative solutions which might make litigants' lives better—might make the world better.

I recently heard someone say, "*It does not take a village to raise a child. It only takes two people, a mother and a father.*" I disagree: not every parent is "good"; not everyone has both a mother and a father; some have neither; mothers and fathers make some situations worse; and good parents/poor parenting. If you feel it takes a "*village*" to help raise a child, join the Family Court Advisory Council and become part of the "*village*" to help the children in our community. Your thoughts might make all our lives better.



Hon. Elizabeth Vaughn

Kentucky Family Matters is a forum for the exchange of ideas and information relevant to family courts. The viewpoints expressed in the articles submitted do not necessarily represent the viewpoint of the Administrative Office of the Courts. The Department of Family Courts does not guarantee the accuracy of the information contained in submitted articles and is not responsible for any errors, omissions, or results obtained from use of the information.

A Note From the Manager:

Since the last newsletter, the Department of Family Court has been going strong. At the conference we welcomed two new additions to our staff, Ms. Helen Morris and Ms. Debbi Putman.

Many of you may have known Helen when she was in the Purchasing Department. She has been with the Administrative Office of the Courts for 23 years. Helen attended Ambassador College in Pasadena, California with majors in Business and Theology. Helen's numerous years of experience and intensive knowledge of the court system make her a great asset to the department.

Debbi joined AOC as a Record Control Specialist for Pretrial Services in March 2001. Prior to coming to AOC, she worked in two local law firms. Debbi is a summa cum laude graduate of Midway College where she received both an A.A. and a B.A. in 1996. She received her J.D. from the Salmon P. Chase College of Law in 1999.

We also had the pleasure of having a summer intern, Heather Johnson. Heather attends Campbellsville University where she is studying pre-law.

All of our staff has kept busy fielding questions and educating Kentuckians and representatives from other states about family courts. You can well imagine the questions particularly in light of the constitutional amendment on the ballot this November. We have had a presence at many conferences and meetings to distribute information and share the benefits of family courts with Kentucky citizens.

This has been a very busy, productive year and we look forward to the exciting times ahead for family court.

*Sincerely,
Carla Kreitman*



CLAY/JACKSON/LESLIE...

Judge Gene Clark was sworn in as Family Court Judge on May 8, 2002. He attended the University of Kentucky and received his B.G.S. in 1975 and received his J.D. from Cumberland School of Law in 1978. Judge Clark was in the private practice of law with emphasis on Domestic Relations. He served as the 41st Judicial Circuit's first Domestic Relations Commissioner from 1990 to 1998. Judge Clark resides in Clay county with his wife, Marijane. They have two children, Paige and Andrew. Judge Clark is a member of the Manchester Methodist Church where he teaches Sunday School and is the Lay Leader.



Hon. Gene Clark

Philip Mobley is the Court Administrator. He earned a BBA in Accounting from Eastern Kentucky University. He was previously employed by Re-Max Real Estate in London and was a Deputy PVA of Clay County. He is married to Donna Leah Maricle Mobley and they have two children, Brandon and Casey. He is actively involved in youth sports, having coached Little league baseball for seven years.

Shannon Montgomery is the legal assistant for the Clay, Jackson and Leslie Family Courts. She is married to Mike Montgomery, they have one daughter, Lauren. She was employed by Clark Law Office for over three years and was previously employed by Hieronymus Law Office and the Jackson County Circuit Clerk's Office.

Janet Mobley is the Judicial Secretary. She was previously employed by the University of Kentucky LDDC for eight years and Clark Law Office for five years. She is married and has three children.

The Manchester office is located at 114 Lawyers Street and the telephone number is (606) 599-8516. The office in McKee is on the corner of Hwy. 421 & Godfrey Street. The telephone number there is (606) 287-8185.

HENDERSON...

Judge Elizabeth E. Vaughn was appointed as Family Court Judge by Governor Paul Patton on May 14, 2002. Judge Vaughn received her J.D. from the University of Louisville, School of Law (now Brandeis). She graduated Magna Cum Laude and was admitted to the practice of law on August 15, 1971. She is married to Daniel DiLegge and they have one child, Jovanni. Judge Vaughn is very excited about serving the families in Henderson County.

Melissa Bach is serving as Staff Attorney. Ms. Bach is a 1992 graduate of University of Louisville School of Law. As a post graduate she served as law clerk for Justice Charles Reynolds. She has been in private practice in Henderson and Owensboro for ten years and has substantial experience in the field of domestic relations.

Preston Wade is serving as Case Management Specialist. Mr. Wade is a graduate of Regent University School of Law, in Virginia Beach, Virginia. He was formerly employed by the Department of Public Advocacy, with training focused in the area of Juvenile Status Offenders.

Brenda Young is serving as the Family Court Administrator. Ms. Young is a paralegal with over twenty years of experience. She has worked in general law practices and dealt extensively with abuse victims and parental kidnapping scenarios. She is working closely with existing Kentucky Family Court systems to assist in implementing the Henderson Family Court.



Pictured from left to right: Brenda Feltz-Young, Preston Wade, Chief Justice Joseph Lambert, Hon. Elizabeth E. Vaughn, Geneva Bjoralt—2002 Family Court Conference

Geneva Bjoralt is serving as the Judicial Secretary. Ms. Bjoralt has studied childhood development and helped to establish Children's Wishes Foundation, an organization that helps terminally ill children, organizations, agencies and schools, by providing needed medication, medical treatment, clothing, toys, office equipment and playground equipment. She has already created a "toy chest" for Family Court, so that children who must come to court may experience a positive and giving environment.

The Family Court office is located at 5 North Main Street on the 3rd Floor.

UNION/WEBSTER/CRITTENDEN...

On June 19, 2002, **Karen Woodall -Heady** was appointed by Governor Paul Patton to serve as the new Family Court Judge for the Fifth Judicial District which is comprised of Crittenden, Union & Webster counties.

Judge Woodall-Heady was sworn in by District Court Judge Rene' Williams on July 1, 2002.

Formerly serving as Assistant County Attorney for Crittenden & Webster counties, the new judge is excited about serving the district in this new capacity.

Judge Woodall-Heady has two sons, John & Jesse Imboden, and two stepdaughters, Amber & Megan Heady. She is married to Crittenden Property Valuation Administrator, Ronnie Heady.

Judge Woodall-Heady has hired the following staff:

Phyllis Flahardy will serve as the Family Court Law Clerk. Phyllis previously worked in the Stout Law Office. She graduated from Daymar College in December 2001 with a Business Office Management Degree and will graduate in March 2003 with an Associate Degree in Paralegal Studies. Phyllis is married to Randy Flahardy and they have two children, Kayla, 20 and Steven, 16.

Dot Meredith will serve as the Family Court Judicial Secretary. Dot worked in the Stout Law office for the past eight years. She has three children, Denise Lanham, Ronald Sodesky and Judy Templeton. Dot has 15 grandchildren and one on the way. She is very active in the Literary Council and Habitat for Humanity.

Teresa Hagedorn has been hired as the Family Court Administrator. Teresa previously worked in the Child Support Enforcement Division of the Union County Attorney's Office in Union county for three years. Teresa is married to Paul Hagedorn and they have two children, Alex, 11, and Austin, 8.

The main office of the Family Court is located at 110 W. Carlisle St., Marion, KY 42064. The mailing address is P.O. Box 111, Marion, KY 42064. The phone number is (270) 965-3342. Additional office space will open at a later date in Morganfield at the Union County Court House.



Hon. Karen Woodall Heady

LOUISVILLE JUDGE TRAINS FORMER SOVIET JUDGES ON DOMESTIC VIOLENCE LAW

Family Court Judge Jerry J. Bowles recently returned from conducting a workshop in Almaty, Kazakhstan for Kazakh judges from all oblasts throughout their country. The American Bar Association's Central and East European Law Initiative (ABA/CEELI) and the United States Department of Justice (DOJ) co-sponsored the workshop from May 6-8, 2002.

The ABA/CEELI project is a public service initiative that undertakes rule-of-law-development programs in emerging democracies of Eastern Europe and the Former Soviet Union, and through funding from the United States Agency for International Development they have posted U. S. Attorneys as volunteers to carry out their programs in Kazakhstan since 1995. ABA/CEELI operates a "gender advocacy" program in Kazakhstan under which, among other activities, lawyers, crisis center workers, law enforcement, and now judges are being trained in responding to the safety needs of families who are victims of domestic violence. In response, the Kazakh government has established a Commission on Women & Children, enacted and revised domestic violence law and opened 15 domestic violence crisis centers throughout the country.



Hon. Jerry J. Bowles

The Almaty workshop focused broadly on the seriousness of the issue of domestic violence, the important role of judges in dealing with domestic violence, the particular characteristics of domestic violence cases (such as victim dynamics in court), how to use laws creatively to protect victims and how to use a bench book. One of the unique goals of the workshop was to produce a bench book on domestic violence using international and domestic law during the workshop. According to Judge Bowles, "the bench book was not intended to be created as a totally comprehensive treatise, but the beginning of a reference source that could continually be updated through supplements and additional training "

An additional agenda item was a discussion led by the Department of Justice staff regarding judicial independence. Many of the Kazakh judges sat during the Soviet era and are struggling with the idea of a judiciary independent of the ruling executive government. Prior to Kazakhstan's independence from the Soviet Union in 1991, judges operated under "telephone law" where they participated as fact finders only, and then telephoned the Communist leaders for their decisions. Failure to follow "telephone law" resulted in the judge's dismissal and as a result Kazakh judges today have still not fully accepted their newly declared independence.

Judge Bowles was referred to the ABA/CEELI and DOJ project as a result of his work with the Battered Woman's Justice Project, funded by the Violence Against Women's Office with the Department of Justice Programs in Washington, D.C. Judge Bowles currently co-chairs the Governor's Council on Domestic Violence, serves on the Governor's Judicial Advisory Council, chairs the Jefferson County Domestic Violence Mortality Review Committee, chairs the Louisville Police Child Witness Project's Advisory Council, serves as a cabinet member of the Judicial Oversight Demonstration Initiative Project with the Vera Institute, partnered by the Violence Against Women's Office and the National Council of Juvenile and Family Court Judges; serves as national faculty for the National Family Violence Prevention Fund, and the National College of District Attorneys. Judge Bowles has served on the Family Court Bench since his appointment in 1996.

Heather Johnson Interviews Judge Bowles

What did the other Judges say and or feel about the program?

The program was a 3-day conference; there were many comments by the Judges of Kazakhstan. The conference dealt with the important role of judges in dealing with domestic violence, and the characteristics of domestic violence cases. All of the Judges came to the agreement that Domestic Violence was an important issue that they appeared to be dealing with more frequently.

Did they feel that the program would work for them, and why?

They definitely realize that they have some stumbling blocks, which they are going to have to deal with for it to become effective. Some of these stumbling blocks are legislative, some are cultural, and some are attitudes that need to be changed. I let them know that we have a lot of the same problems in the United States, and the many ways that we have been able to address those problems. I believe there is a lot that can be done from the legislative point.

What is the feeling on the Commission of Women and Children?

The Commission of Women and Children is a new concept and a new office in Kazakhstan. I was very surprised by the fact that women have such a high status in the workplace. Many women have top-level positions in the work-force, which gives them a sense of status, that hasn't always been there. The Commission on Women and Children is making plans to increase the way of life for women and children. Judge Bowles said, "That I was very impressed with the status level of women in top office positions, and that I was also impressed by the priority of making women and children so important in that society."

Do the men in Kazakhstan believe that domestic violence is an issue?

The belief by men in Kazakhstan is no different from that of the men in the United States. In the United States there are some men who believe that you need to control a woman and control her with violence, and there are men who don't. There isn't much of a difference between some of their views and ours.

Did you understand why they were struggling with the idea of judiciary independent ruling an executive government?

Before Kazakhstan got its independence from the Soviet Union in 1991, the Judges operated under a "telephone law" where they could not make their own ruling, but telephoned their Communist leaders for a decision and then read it as if it were their own. If they didn't follow that law they could be dismissed as a judge. The freedom to rule on their own, without outside assistance, is a new idea and it will take time for them to accept this new independence.

New York Family Court visits Jefferson County

On May 21st and 22nd a site visit team from the Family Court in Buffalo, New York, and the Permanency Planning for Children Department with the National Council of Juvenile and Family Court Judges in Reno, Nevada participated in a Jefferson County site visit hosted by Judge Patricia Walker FitzGerald. The purpose of the site visit was to examine court, agency and community collaboration. The site team met with representatives from the judiciary, court staff, the Cabinet for Families and Children, Jefferson County Attorney's Office, Just Solutions Mediation Services, Guardians ad Litem, Family Court Clerks, and the Family Court Advisory Committee. The site visit provided for an excellent exchange of ideas which reinforced the positive working relationships among the Jefferson County legal and social service professionals and agencies.



Hon. Chief Justice Joseph E. Lambert

A Word from the Chief Justice About the Family Court Amend- ment

In 1991, a group of thoughtful and caring people began a family court pilot project in Jefferson County. Their goal was to create a court that was family-friendly and devoted to family law cases. They believed that the same judge should consider all legal matters relating to a family, whether juvenile, domestic violence, custody or divorce, and that the judge should be able to use counseling, mediation and divorce education to reduce the distress of families in crisis.

The Jefferson County Family Court was so successful that the family court pilot project was expanded in 1998 to 18 other counties across Kentucky. Today, there are family courts in Lincoln, Rockcastle, Pulaski, Floyd, Knott, Magoffin, Oldham, Henry, Trimble, Pike, Clay, Jackson, Leslie, Crittenden, Union, Webster and Henderson counties.

One million Kentuckians in 26 counties are now served by family courts, but the three million others who live in the rest of the state do not have access to these special courts.

The importance of family courts

Family Court is based on the idea that all judicial proceedings involving children and families should be collected and resolved in a single court. By having one judge preside over all the legal problems facing a family, that family's unique circumstances can be better understood.

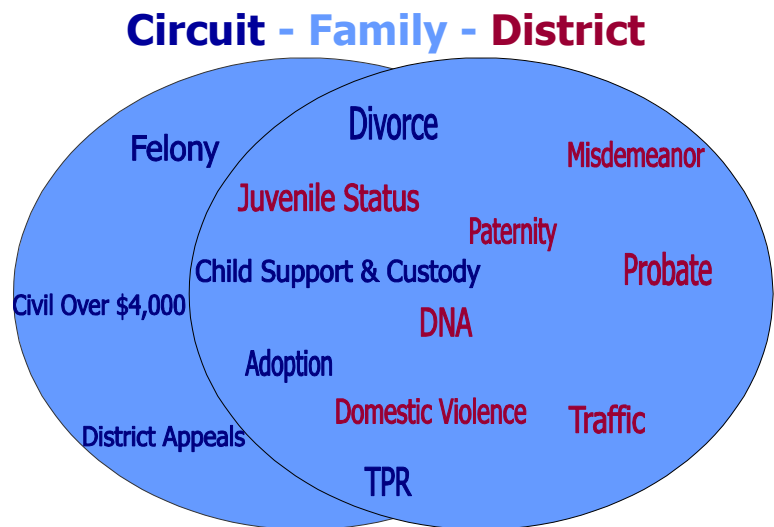
While a Family Court is a court of law, it is also a link to services in the community. Family Court judges understand that distressed families with children often need more than a legal resolution of their problems.

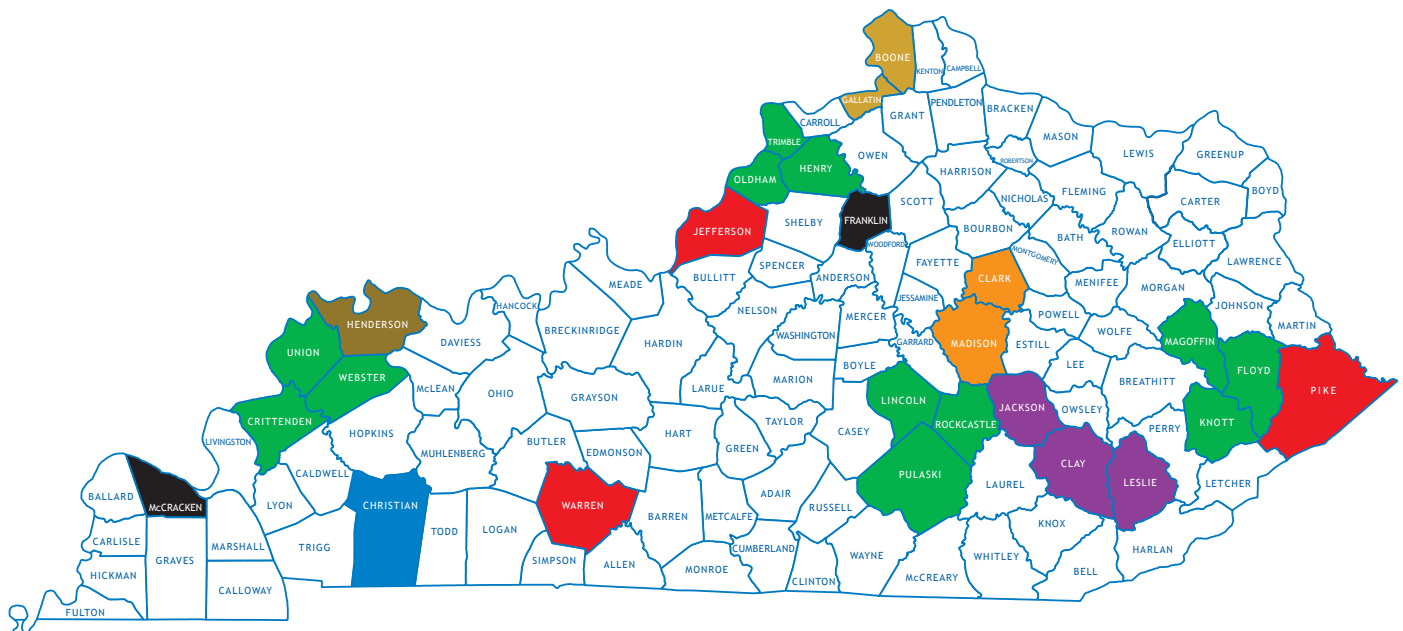
Sometimes they need professional assistance to restore family stability and help deal with serious problems such as alcohol and drug abuse, domestic violence, child abuse and divorce. Family Courts can make specific referrals to outside agencies and order specific treatment to meet the individual needs of children and families.

Family law cases are the only priority of Family Courts. When parents are in the middle of a bitter dispute, children suffer. If the process is drawn out or if the case is heard over and over again by different commissioners or judges, solutions may be delayed, inconsistent or contradictory.

While it is impossible to completely protect children from such difficulties of life as divorce and family discord, Family Courts can help nurture children and families through difficult times.

Where court intervention is inevitable, courts should do more than merely decide who wins and who loses. With dedicated judges, competent and well-trained support staff and helping professionals, Family Courts are able to make an otherwise dreadful ordeal a survivable experience. While all cases are important, none are more important than those involving children and families. They should not have to wait in line behind criminal cases and other civil cases.





The amendment

There is no doubt that Family Courts have been successful. However, our state constitution does not specifically provide for them. Believing that Family Courts are vitally important and that they should be available to all Kentucky citizens, the 2001 Kentucky General Assembly passed a constitutional amendment to put on the November 2002 general election ballot. The people of Kentucky will have the final say on Family Courts.

Although there is no apparent opposition to Family Courts, passage of a constitutional amendment is always a daunting task. Kentuckians are properly reluctant to amend their constitution and when they don't understand a proposed amendment, they usually vote no.

We cannot take for granted that everyone knows about Family Courts and will vote yes to approve the constitutional amendment. That's why I've written this article and why I'm speaking throughout Kentucky in support of the amendment.

That's also why the Kentucky Association of Electric Cooperatives, the Kentucky Education Association, the Kentucky Farm Bureau, the Kentucky Burley Tobacco Growers Cooperative, the Kentucky Association of Retired Teachers and the Kentucky Circuit and District Judges associations among others, have joined the Kentucky League of Cities in endorsing the constitutional amendment.

On November 5, 2002, the people of Kentucky will vote yes or no on the following question:

Are you in favor of Family Courts in Kentucky by amending The Kentucky Constitution to allow the Supreme Court to designate a division of circuit courts as a Family Court?

I urge every Kentuckian to vote yes so that we may bring the services, compassion and commitment of family courts to all Kentucky children and their families.

2002 Family Court Conference

"New Kid on the Block"

By: Debbi Putman J.D.
Family Court Specialist

My introduction to Kentucky's family courts came at the Family Court Conference at the Galt House in Louisville on June 5-7, and what an introduction it was! Not only was it my first week on the job, it proved to be a very educational and entertaining one for me.



*Michael Losavio, Manager, Education Services, AOC
Vanessa Armstrong, Staff Attorney, US District Court*

The goal of this year's conference was to bring together all the family court staff across the state for a few days of cross training and networking. The conference certainly met those goals! Starting with the new court staff training on Wednesday and continuing through Friday mornings break-out sessions the questions, comments, and evaluations all indicated the speakers did an outstanding job explaining their procedures and positions.

Comments and evaluations also indicated the participants really enjoyed the diverse and sometimes entertaining way the material was presented. Individual speakers and sessions engendered comments such

as, "Lots of good information," "I enjoyed the presentation," "Great way of interaction," and "Very informative and useful."

Thursday's luncheon in the Flag Ship restaurant on the 25th floor of the Galt House provided a view of the Ohio River that was breathtaking, but certainly not the highlight of the meal. For those who missed hearing Hasan Davis, the Director of Empowerment Solutions, I can only say that it was a treat to hear this man speak of overcoming learning disabilities and a violent youth to become the man he is today.

Friday's luncheon included a presentation by Carol Ullerich and Sara Boswell Dent of the Office of the General Counsel at AOC. They entertained us delightfully with movie clips and lots of laughter to end the week and the conference.

The banquet on Thursday evening gave us all the opportunity to hear Chief Justice Lambert speak about the family court Constitutional amendment that will be on the ballot in November. The Chief Justice pointed out to the group that we currently have family courts operating in 22 counties, which represent 1.5 million citizens of the Commonwealth, but he noted those figures mean there are still 98 counties with 2.5 million citizens not yet being served by a local family court. At the heart of his talk was the uphill work we all face toward passage of the amendment and, ultimately, the future of family courts in Kentucky.

Overall, I can only conclude, from the evaluations turned in, participants' comments, and my own experiences that the 2002 Family Court Conference was an unqualified success! I certainly cannot imagine any other way I could have learned so much about Kentucky's family courts or met as many family court people as I did in such a short period of time. My thanks go out to everyone for all the kind words of encouragement and understanding to the "new kid on the block."



Dr. Betty Spivak, Pediatric Forensic Consultant



*Hasan Davis, Director
Empowerment Solutions*

FREQUENTLY ASKED QUESTIONS

Does Family Court and the Cabinet for Families and Children expedite finding children a permanent and safe home?

Yes. Family Court provides consistency for families and professionals. One judge stays from the beginning to the end. The process moves more quickly and efficiently regardless of the specific end goal. Time is not spent re-educating personnel about the facts of the case. Because of consistent staff, specific committees are formed that can tackle issues such as communication, process improvement, resolutions for specific problems, and service development. Because judges know the families, if there is an emergency protective order, the judge knows to address it in relationship to the children. There is a close interchange between emergency protective order, dependency, and paternity cases which enhances safety and attaining timely permanency. Families receive more services, particularly with the early delivering "front loading" of services so that families don't have delays. Family Court has cultivated consistent groups of attorneys, both for parents and for children who have specific expertise. Family Court assists with timely finalizations of adoptions through special adoption events in addition to regular review.

Does Family Court provide better coordination of legal and social resources for families?

Yes. Since November 1997 the Jefferson Family Court has been recognized by the National Council of Juvenile and Family Court Judges as a model court in improving both domestic violence and child dependency, abuse, and neglect practice.

Family Court utilizes mediation for cases which contain disputed issues regarding custody, visitation, and property issues. Family Court maintains a list of 120 qualified mediators. Families pay for mediation by utilizing a sliding scale fee. 73% of completed mediation cases either reach a full or partial agreement.

We must teach our children to dream with their eyes open.

~ Harry Edwards ~



From an adoptive parent in Jefferson County...

Our family was created through international adoption. My husband and I have adopted three children. In 1986, we finalized Sarah's adoption from South Korea. Alex's adoption from South Korea was finalized in 1990. It wasn't until we finalized Hellen's adoption from Guatemala in 1997 that I realized the environment of the courtroom could make such a difference.

You see, Hellen's adoption was finalized in FAMILY COURT; and our first two adoptions were finalized in Circuit Court. While we were thrilled to be in Circuit Court, it was a challenge explaining to Sarah why the man was "wearing a pretty orange jumpsuit and bracelets." On the other hand, the atmosphere in Family Court was extremely different. The waiting area was filled with families. When we entered the courtroom, we saw books and toys for children. The Judge encouraged our three children to play while he reviewed our file. The Judge talked with each member of our family, and made us feel that our case was as important to him as it was to us. He took special care to emphasize to all three children that we were a "forever" family and they would always be brothers and sisters.

At the conclusion of the hearing, the Judge invited Hellen to sit on the bench with him; let her wear his judicial robe and use the gavel as he issued the final order, "...you will celebrate Hellen's adoption by going to Chuck E. Cheese on January 6, 1997." We did!

Family Court made a difference to our family, and I would like to encourage everyone to VOTE YES in favor of Family Courts on November 5th.

*Sincerely,
Bernetta Trainor*

Update on Grandparent Visitation

There have been two important cases decided in the last couple of years, one by the U.S. Supreme Court and one by the Kentucky Court of Appeals, that provide additional guidance for cases dealing with the grandparent visitation statute, KRS 405.021.

Troxel v. Granville, 530 U.S. 57, 120 S. Ct. 2054, 147 L. Ed. 2d 49 (2000), affirmed the Supreme Court of Washington's decision to reverse a lower court's Order granting grandparents visitation with their grandchildren over the objections of the children's mother. The U.S. Supreme Court held that the Washington statute as applied in this case unconstitutionally interfered with the fundamental rights of the parents to raise their children by granting visitation to the grandparents over the objections of the parents. "[S]o long as a parent adequately cares for his or her children (i.e., if fit), there will normally be no reason for the State to inject itself into the private realm of the family to further question the ability of that parent to make the best decisions concerning the caring of that parent's children." In this case, the court said, the trial court's decision failed to give any weight to the decision of a fit custodial parent; announced a presumption in favor of grandparent visitation; as well as failed to consider that the mother had offered meaningful visitation to the grandparents, albeit less frequently than that requested by the grandparents.

In Kentucky, the latest word in grandparent visitation rights came out in June when **Scott v. Scott**, 2002 Ky. App. LEXIS 1275, was decided by the Kentucky Court of Appeals. While upholding the constitutionality of KRS 405.021, the grandparent visitation statute, the court held that "grandparent visitation may only be granted over the objection of an otherwise fit parent if it is shown by clear and convincing evidence that harm to the child will result from a deprivation of visitation with the grandparent." *Id.*, at page 11.

In reaching this decision, the Court relied on the Troxel decision, and on various earlier Kentucky decisions requiring clear and convincing evidence that denying the visitation would result in harm to the child.

Scott indicates that while the court is to look to the best interest of the child in making a determination in regard to grandparent visitation, in cases where there is an objection by fit parents, there exists a presumption that the parents' objection is in the best interest of the child. This presumption can only be overcome by clear and convincing evidence that harm to the child will result if the visitation is denied or limited.

Scott, is not retroactive; the decision plainly states that the court's decision only applies "on remand and in future cases." Scott, at 9.

Did you Know ...

Since 1996, CASA research has consistently shown that the more often a child eats dinner with the family, the less likely that a child is to smoke, drink or use illegal drugs.



FAMILY DAY
SEPTEMBER 23, 2002

UPCOMING EVENTS

KBA/District Bar Meeting/ Bowling Green
Kids are Worth It Conference/Lexington
Circuit Judges College/Bowling Green
Circuit Clerk's Fall Conference/Covington
Election Day

September 11-12, 2002
September 16-18, 2002
September 22-26, 2002
October 16-18, 2002
November 5, 2002

Family Court Supports Family Day

The Department of Family Court endorses September 23, 2002 as the second annual "Family Day – A Day to Eat Dinner With Your Children."

Dedicated to its work on behalf of Kentucky's children and families, the Department of Family Courts is aware of the vital role parents can play in raising healthy, drug-free children. Research consistently shows that the more often children eat dinner with family, the less likely they are to smoke, drink, use illegal drugs or engage in other risky behaviors such as violence. Frequent family dinners are also correlated with good academic performance and healthy eating habits. Because of this, we are pleased to take this opportunity to encourage all families in the Commonwealth to participate in Family Day by making a point to have dinner together as a family on September 23. Family Day is a great opportunity to honor families and increase parental involvement.

Started by the National Center on Addiction and Substance Abuse (CASA) at Columbia University in 2001, Family Day is a national initiative to help keep children and teens drug free by encouraging families to eat dinner together as a way to prevent youth substance abuse.

For more information about Family Day, please visit www.casacolumbia.org.

Judge Joan Byer Gives Keynote Address at the National Technical Assistance Meeting in Washington, D.C.

Joan L. Byer, Family Court Judge of the 30th Judicial Circuit, was keynote speaker at the recent National Technical Assistance Meeting in Washington, D.C., sponsored by the U.S. Department of Education, Office of Juvenile Justice Program. The theme of the meeting, *Leaving No Child Behind: Results-Based Strategies for Safe and Drug-Free Schools*, emphasized the positive relationship between prevention initiatives and academic performance.

During a plenary luncheon session covered by C-Span, Judge Byer delivered the keynote address on her development of the Jefferson County Truancy Court Program and the creation of the National Truancy Prevention Association. Judge Byer, a nationally recognized truancy expert and administrator of one of the nation's most successful programs for assisting families with solving truancy problems, spoke at the request of William Modzeleski, Director of the Safe and Drug-Free Schools Program with the U.S. Department of Education.

Judge Byer, who has served as Family Court Judge in Jefferson County since January 1996, was one of seventy-five national and international prevention experts speaking on the promising practices in prevention. One of the goals of the meeting was to enable participants to network with other colleagues and federal grantees to share prevention strategies on how to keep our nation's young people safe, health and drug-free.

THANK YOU TO:

All the Family Court Sites for the great job this past year and the continued effort to efficiently manage busy dockets.

The Law Firm of Sutton, Hicks, Lucas, Grayson and Braden for their contribution of time invested in educating about Family Court at the 4-H Utopia Fair, held in Northern Kentucky.

All speakers and participants who contributed to the family court conference "Building For Our Future" and helped make it such a success.

The Kids Are Worth It Conference for allowing us to be a part of the effort, to educate on the values of a family in the life of a child.

**Administrative Office of the Courts
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